

E3287 - Q92

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

NENE DIALLO  
5655 MAPLE TREE LANE  
COLUMBUS, OH 43232,

PLAINTIFF,

VS.

YANKEE CANDLE COMPANY INC  
16 YANKEE CANDLE WAY  
SOUTH DEERFIELD, MA 01373,

DEFENDANT.

21CV-04-2299

CASE NUMBER

2021 APR 15 AM 11:28  
CLERK OF COURTS  
FILED  
COMMON PLEAS COURT

04/13/21

\*\*\*\*\* SUMMONS \*\*\*\*\*

TO THE FOLLOWING NAMED DEFENDANT:  
YANKEE CANDLE COMPANY INC  
16 YANKEE CANDLE WAY  
SOUTH DEERFIELD, MA 01373

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY  
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,  
BY: NENE DIALLO  
5655 MAPLE TREE LANE  
COLUMBUS, OH 43232,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF  
THE PLAINTIFF'S ATTORNEY IS:

MICHAEL W. DEWITT  
DEWITT LAW, LLC  
4200 REGENT STREET  
SUITE 200  
COLUMBUS, OH 43219

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S  
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY  
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE  
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER  
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A  
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED  
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO

BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S03)

E3287 - Q92

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CIVIL DIVISION

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MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO

BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S03)

**IN THE COURT OF COMMON PLEAS  
LICKING COUNTY, OHIO**

**NENE DIALLO  
5655 Maple Tree Lane  
Columbus, Ohio 43232**

: Case No.  
:  
:  
:  
: Judge  
:  
:  
: JURY DEMAND ENDORSED  
:  
: HEREON

V.

**YANKEE CANDLE COMPANY, INC.**  
**16 Yankee Candle Way**  
**South Deerfield, MA 01373.**

### **Defendants.**

***Statutory Agent:***

**Corporation Service Company  
50 West Broad Street, Suite 1330  
Columbus OH 43215**

## **COMPLAINT**

Plaintiff Nene Diallo, by and through her undersigned counsel, herein files the following Complaint against Defendant Yankee Candle Company, Inc. (“Yankee Candle”).

## PARTIES

1. Plaintiff is a natural person residing in Pickaway County, Ohio.
  2. Upon information and belief, Defendant Yankee Candle is a Massachusetts corporation with its principal place of business in South Deerfield, Massachusetts.
  3. At all relevant times, Yankee Candle employed four or more employees within the state of Ohio.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over this matter as more than \$15,000 is at issue.
5. Venue is proper in this Court because the acts and occurrences alleged herein took place in Licking County, Ohio.

### **FACTS COMMON TO ALL CLAIMS**

6. Ms. Diallo is an African American Muslim female, who is originally from Guinea, and came to the United States in 2013.

7. She was hired by Yankee Candle on September 23, 2019 as a seasonal administrative assistant in the human resources department at Yankee Candle's distribution facility in Pataskala, Ohio.

8. All the supervisors at the Pataskala Yankee Candle facility are white.

9. Prior to her current position, Ms. Diallo was an on-site manager for BelFlex Staffing Network ("BelFlex"), an agency that contracts with Yankee Candle to provide staffing at the Pataskala facility.

10. In September 2020, she was elevated to a full-time administrative assistant in the human resources department, reporting to Christina Ellis, the local HR manager.

11. Ms. Diallo held that position until she was constructively discharged on March 22, 2021.

12. In August 2020, Tanya Hoover, a black female who was an HR generalist at the Pataskala facility, resigned and Ms. Diallo voiced her desire to seek the position, for which she was qualified, to Ellis.

13. At the time, Ms. Diallo was 7½ months pregnant and she was discouraged by Ellis, from seeking the position, who told her that because of her pregnancy, it would be too stressful for Ms. Diallo to interview for the position.

14. Refusing to allow Ms. Diallo to apply for the job due to her pregnancy constitutes gender discrimination.

15. The company eventually hired a Kesha Bell, a white female, who at the time was the BelFlex on-site manager, the same position once held by Ms. Diallo.

16. It is clear that the hiring of Kesha Bell was racially motivated, as Ms. Diallo was just as qualified.

17. On August 19, 2020, Ms. Diallo passed out at work due to stress and took a couple days off work.

18. When she returned only a few days later, there was a new HR office employee, Katrina Bell, a white female, who was Kesha Bell's daughter.

19. Ms. Diallo was told that Katrina would be taking Ms. Diallo place while she was on maternity leave so Ms. Diallo was asked to train her.

20. In fact, prior to going on maternity leave, Ms. Diallo actually trained a total of three people, including Katrina Bell.

21. Ms. Diallo went on maternity leave on September 18, 2020

22. When she returned on January 25, 2021, she found out that Katrina Bell had taken over Ms. Diallo's job duties and had commandeered her desk.

23. Ms. Diallo approached Ellis to determine what each person's job duties were and while Ellis sent out an email purporting to set forth everyone's job duties, that "plan" was never implemented.

24. In early February 2021, people in the office stopped speaking to her.
25. In that same time frame, Ms. Diallo asked to temporarily work part time on January 16, 2021 due to childcare issues, Ms. Diallo was demoted to part time and was told that she will lose her benefits including the paid time off she has accrued before asking for an accommodation.
26. On March 21, 2021, Ms. Diallo was called into a meeting with Mark Linsalak, a white male senior recruiter, both Bells and Ellis, which was purportedly called to address the issues regarding the division of duties in the office.
27. In that meeting, Katrina Bell told a story regarding Ms. Diallo that was not true and Ms. Diallo confronted her about it.
28. Instead of addressing that issue, Ms. Diallo told she was being taken out of the HR office and assigned to the warehouse.
29. In the same time frame, the only other African American employee in the HR office was also demoted and moved permanently to the warehouse.
30. The demotion of Ms. Diallo was racially motivated and left the HR office with only one minority employee, the previously noted employee who was demoted to working in the warehouse three days per week.
31. Ms. Diallo was the only black African left in the office as they permanently demoted and let go the others.
32. Although Ms. Diallo enjoyed her work, because she had been demoted for no reason other than her race, she resigned effective March 22, 2021.
33. The racial discrimination that Ms. Diallo was forced to endure made her working conditions such that no reasonable person would have remained employed there.
34. As such, her resignation constitutes a constructive discharge.

35. As a result of the gender, race and national origin discrimination against Ms. Diallo, she has suffered damages in amount to be determined at trial.

**COUNT I**  
**GENDER, RACE, RELIGION AND NATIONAL ORIGIN DISCRIMINATION UNDER**  
**ORC CHAPTER 4112**

36. Plaintiff realleges and restates the facts and allegations above, as if fully rewritten herein.

37. Ms. Diallo was an “employee” as that term is defined in R.C. 4112.

38. Yankee Candle is an “employer” as that term is defined in R.C. 4112.

39. As noted previously, Ms. Diallo is a female Muslim African American, originally from Guinea.

40. As such, Ms. Diallo is a member of at least three protected classes under R.C. 4112.

41. Ms. Diallo was subjected to the conduct alleged above due to her race, religion national origin and gender.

42. For its violations of R.C. 4112, Yankee Candle is liable to Ms. Diallo for lost pay and benefits, compensatory and punitive damages, and attorney fees and costs, in an amount to be determined at trial, plus the equitable remedies of reinstatement and/or front pay.

WHEREFORE, Ms. Diallo demands the following:

1. Lost pay and benefits, compensatory and punitive damages, and attorney fees and costs, in an amount in excess of \$25,000.00 to be determined at trial, plus the equitable remedy of front pay; plus court costs, attorney fees, pre- and post-judgment interest and any and all other relief to which Ms. Diallo is entitled in law and in equity, including but not limited to compensatory, consequential and punitive damages.

Respectfully submitted.

DEWITT LAW, LLC

/s/ Michael W. DeWitt

Michael W. DeWitt (0066896)  
4200 Regent Street  
Suite 200  
Columbus, Ohio 43219  
(614) 398-2886  
(614) 370-4552  
(614) 750-1379 (facsimile)  
[mdewitt@dewittlawco.com](mailto:mdewitt@dewittlawco.com)  
Attorney for Plaintiff

**JURY DEMAND**

Plaintiff demands that a jury decide all claims in this matter triable to a jury.

/s/ Michael W. DeWitt

Michael W. DeWitt (0066896)

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS

CASE TITLE: NENE DIALLO -VS- YANKEE CANDLE COMPANY INC      CASE NUMBER: 21CV002299

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:  
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:  
COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:  
YANKEE CANDLE COMPANY INC  
16 YANKEE CANDLE WAY  
SOUTH DEERFIELD, MA 01373

YANKEE CANDLE COMPANY INC  
C/O CORP SERVICE CO  
50 WEST BROAD STREET  
SUITE 1330  
COLUMBUS, OH 43215

JUVENILE CITATIONS ONLY:

HEARING TYPE:

       Date already scheduled at : Courtroom:

Electronically Requested by: MICHAEL WILLIAM DEWITT  
Attorney for:

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS

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50 WEST BROAD STREET  
SUITE 1330  
COLUMBUS, OH 43215

JUVENILE CITATIONS ONLY:

HEARING TYPE:

   Date already scheduled at : Courtroom:

Electronically Requested by: MICHAEL WILLIAM DEWITT  
Attorney for:

**E3287 - N86**

FROM

**MARYELLEN O'SHAUGHNESSY  
FRANKLIN COUNTY CLERK OF COURTS  
373 SOUTH HIGH STREET  
COLUMBUS, OHIO 43215-4579**

**C E R T I F I E D  
M A I L  
R E C E I P T**

**04/14/21**

**FILED  
COMMON Pleas COURT  
FRANKLIN CO. OHIO**

**2021 APR 15 AM 11:21**

**CLERK OF COURTS**

**YANKEE CANDLE COMPANY  
C/O CORP SERVICE CO  
50 WEST BROAD STREET  
SUITE 1330  
COLUMBUS, OH  
43215**

**21CV-04-2299 H**

**NENE DIALLO  
VS  
YANKEE CANDLE COMPANY**

**SERVICE ITEM: 01  
ORIGINAL SUMMONS**

**CERTIFIED  
NUMBER**

**9214890119 522805922212**

**CIV354**

**E3287 - N87**

FROM

**MARYELLEN O'SHAUGHNESSY  
FRANKLIN COUNTY CLERK OF COURTS  
373 SOUTH HIGH STREET  
COLUMBUS, OHIO 43215-4579**

**C E R T I F I E D  
M A I L  
R E C E I P T**

**04/14/21**

**RECEIVED  
COMMON Pleas COURT  
FRANKLIN CO. OHIO  
2021 APR 15 AM 11:21  
CLERK OF COURTS**

**YANKEE CANDLE COMPANY  
16 YANKEE CANDLE WAY  
SOUTH DEERFIELD, MA  
01373**

**21CV-04-2299 H**

**NENE DIALLO  
VS  
YANKEE CANDLE COMPANY**

**SERVICE ITEM: 01  
ORIGINAL SUMMONS**

**CERTIFIED  
NUMBER**

**9214890119 522805922229**

**CIV354**



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2021 APR 27 PM 4:32  
CLERK OF COURTS

Date Produced: 04/26/2021

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2021 APR 21 PM 4:32

Date Produced: 04/26/2021

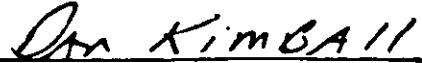
CLERK OF COURTS

COC:

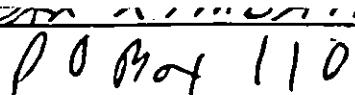
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United States Postal Service

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